

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THERESA M. LARA,

Plaintiff,

v.

DAVID MCGREW, *et al.*,

Defendants.

Case No. C25-62-JCC

REPORT AND RECOMMENDATION

On January 10, 2025, Plaintiff Theresa M. Lara filed an application to proceed *in forma pauperis* (“IFP”). (Dkt. # 1.) On January 15, 2025, this Court ordered Plaintiff to either show cause why her IFP application should not be denied or to file an amended application by February 5, 2025. (Dkt. # 4.) The Court explained that Plaintiff’s IFP application omitted information necessary to determine her ability to pay court fees and costs, specifically regarding money received in the past twelve months, valuable property, dependents, and the types of monthly expenses she incurs. (*Id.* at 2.) To date, Plaintiff has not filed a response to the Order to show cause.

The district court may permit indigent litigants to proceed IFP upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status,

1 a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the  
2 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523  
3 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant  
4 must show that he or she “cannot because of his [or her] poverty pay or give security for the  
5 costs and still be able to provide him[ or her]self and dependents with the necessities of life.”  
6 *Adkins v. E.I. DuPont de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations  
7 omitted).

8 After careful consideration of Plaintiff’s IFP application, the governing law, and the  
9 balance of the record, the Court recommends Plaintiff’s IFP application (dkt. # 1) be DENIED  
10 and Plaintiff be directed to pay the \$405.00 filing fee within 30 days of the date this Report and  
11 Recommendation is adopted. If no filing fee is paid, the Clerk should be directed to close the  
12 case. A proposed order accompanies this Report and Recommendation.

13 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
14 served upon all parties to this suit not later than **fourteen (14) days** from the date on which this  
15 Report and Recommendation is signed. Failure to file objections within the specified time may  
16 affect your right to appeal. Objections should be noted for consideration on the District Judge’s  
17 motions calendar **fourteen (14) days** from the date they are filed. Responses to objections may  
18 be filed by **the day before the noting date**. If no timely objections are filed, the matter will be  
19 ready for consideration by the District Judge on **February 26, 2025**.

20 The Clerk is directed to send copies of this order to Plaintiff and to the Honorable John C.  
21 Coughenour.

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1 Dated this 11th day of February, 2025.

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3 MICHELLE L. PETERSON  
4 United States Magistrate Judge